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January 3, 2005

TO : U.S. Patent & Trademark Office

ATTN: Examiner Ronald Hartman

FAX NO.: **703-872-9306**

TELEPHONE: 571-272-3684

FROM: James T. Strom

RE: Serial No. 09/964,564

YOUR REFERENCE: FFA-1749

OUR DOCKET: 392.1726

NO. OF PAGES (Including this Cover Sheet)

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COMMENTS: Attached is a copy of the Office Action that we received in the above-referenced application. Please note that pages 2 and 3 apparently were merged together during the copying process. Please forward us a corrected Office Action.



## UNITED STATES PATENT AND TRADEMARK OFFICE

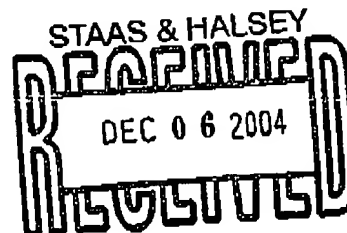
Final/N. Appeal Due: 3-2-05

UNITED STATES DEPARTMENT OF COMMERCE  
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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.              | CONFIRMATION NO. |
|---|-------------|----------------------|----------------------------------|------------------|
| 09/964,564  | 09/28/2001  | Toshiaki Otsuki      | 392.1726                         | 2579             |
| 21171   | 7590        | 12/02/2004           |                                  |                  |
| STAAS & HALSEY LLP<br>SUITE 700<br>1201 NEW YORK AVENUE, N.W.<br>WASHINGTON, DC 20005 |             |                      |                                  |                  |
|   |             |                      | EXAMINER<br>HARTMAN JR, RONALD D |                  |
|   |             |                      | ART UNIT<br>2121                 | PAPER NUMBER     |

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



**Office Action Summary**

Application No.

09/964,564

Applicant(s)

OTSUKI ET AL.

Examiner

Ronald D Hartman Jr.

Art Unit

2121

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5,6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) 10 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,2,5 and 9 is/are allowed.
- 6) ☒ Claim(s) 6 and 8 is/are rejected.
- 7) ☒ Claim(s) 1 and 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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listed in the second limitation  
operation) as to be performed by the  
means.

**ct Matter**

pendent claim 1, the prior art of record  
r acceleration and deceleration control  
control section wherein movement  
eration processing so that the  
-acceleration curve, wherein the curve  
e has different magnitudes depending  
g and where for plural speeds of the  
accelerations, or corresponding plural  
re based, equal to, or approximations of  
armed speed-acceleration curve, in  
or limitations as claimed by the claimed

to teach or adequately suggest a  
to be used by a numerical control  
nprises a memory for storing speed-  
hich is considered to be an obvious  
eration curve", as per claim 1, and thus  
e same reasons as claim 1 since the  
tation thereof, including the addition of  
ree distinct operations to be handled,  
nd or limitations as claimed by the  
not adequately contemplated by the

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**DETAIL**

1. Claims 1-2, 5-6 and 8-9 are presen

**Election**

2. Newly submitted claim 10 is directe  
distinct from the invention originally claime

The "robot" feature has not been pi  
originally previously presented claims, eith  
in any part of the specification thereof and  
the merits of previously presented and ori  
added claim (10) is directed towards "Rob  
700/245 and the previously examined clai  
"Generic Acceleration/Deceleration Contr  
clearly a new search would need to be pe  
an undue burden on the examiner.

Since applicant has received an ac  
invention, this invention has been constru  
prosecution on the merits. Accordingly, cl  
being directed to a non-elected invention.

**Claim**

3. Claim 1, lines 13-14, delete the use  
place. Also, in line 14, delete the first inst

Claim 5 is objected to because the  
the third limitation is written much the sarr  
the features in a clear and concise manne  
"thus read in the case" inline 14 and "thus  
confusion with the claim itself. Suffice to s  
to claim steps that occur depending on the

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**Conclusion**

5. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald D Hartman Jr. whose telephone number is (571) 272 - 3684. The examiner can normally be reached on Mon. - Fri., 11:30 am - 8:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Knight can be reached at (571) 272 - 3687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Anthony Knight  
Supervisory Patent Examiner  
Group 3600

Ronald D Hartman Jr.  
Examiner  
Art Unit 2121